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FILED

MAR 15 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al.,

Petitioners,

Docket No. 2009-019
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,

Intervenors-Respondents.

**PETITIONERS' NOTICE OF FILING OF ADDITIONAL PHOTOGRAPHIC EXHIBITS
IN SUPPORT OF THEIR MOTION FOR LEAVE TO CONDUCT A SECOND SITE
VISIT**

Pursuant to Utah Admin. Code § R641-108-900 and Rule 34(a)(2) of the Utah Rules of Civil Procedure, Utah Chapter of the Sierra Club ("Sierra Club"), Southern Utah Wilderness Alliance

(“SUWA”), Natural Resources Defense Council (“NRDC”), and National Park Conservation Association (“NPCA”)(collectively, “Petitioners”) have moved this Board for leave to issue notice of, and to conduct, a second inspection of the permit and adjacent area described in the coal mining permit at issue in this proceeding. Petitioners have filed a supporting memorandum that presents the factual background and legal arguments in support of Petitioner’s motion.

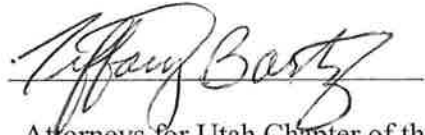
In footnote 2 on page 3 of Petitioners’ supporting memorandum, they stated their intent to add as an exhibit a DVD recording that ACD made of the first site visit of Petitioners’ expert witness and counsel on March 2, 2010. After subsequently receiving and reviewing the DVD, however, and after learning of the substantial cost to obtain a sufficient number of copies of the DVD to comply with the Board’s rules for the filing of exhibits to supporting memoranda, Petitioners have decided to substitute the attached compact disc of all the photographs that their expert witness made during the site visit. In Petitioners’ view, these photographs illustrate the site conditions described in the factual background section of their memorandum as effectively as the DVD, if not more so.

Accordingly, Petitioners notify all parties and the Board of the filing of the attached compact disc containing all of the photographs that Elliott Lips made during his March 2, 2010, site visit.

Dated: March 15, 2010

Respectfully submitted,

By:



Attorneys for Utah Chapter of the
Sierra Club, *et al.*

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of March 2010, I served a true and correct copy of **PETITIONERS' NOTICE OF FILING OF ADDITIONAL PHOTOGRAPHIC EXHIBITS IN SUPPORT OF THEIR MOTION FOR LEAVE TO CONDUCT A SECOND SITE VISIT** to each of the following persons via e-mail transmission and United States first-class mail, postage pre-paid:

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